

ORIGINAL

**FILED**  
DISTRICT COURT OF GUAM

MAR 31 2006

**MARY L.M. MORAN**  
**CLERK OF COURT**

1 LinWenYuan.rem

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7 Attorneys for the United States of America

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE DISTRICT OF GUAM

10 UNITED STATES OF AMERICA, ) CRIMINAL CASE NO. 01-00044  
11 Plaintiff, )  
12 vs. ) PETITION TO REMIT SPECIAL  
13 WEN YUAN LIN, ) ASSESSMENT FEE  
14 Defendant. ) [18 U.S.C. § 3573]

15  
16 COMES NOW the United States of America, by and through its undersigned counsel, and  
17 respectfully petitions this Court pursuant to 18 U.S.C. § 3573 for the entry of an order remitting  
18 the unpaid special assessment fee earlier imposed upon Defendant WEN YUAN LIN and in  
19 support hereof, states as follows:

20 1. On October 19, 2001, sentence was imposed by this Court against Defendant  
21 WEN YUAN LIN. Among other things, a \$100.00 special assessment fee was ordered. The  
22 total amount now owed by said Defendant is \$65.00.

23 2. Upon information received from the Immigration and Customs Enforcement  
24 Deportable Alien Control System (ICE/DACS), the defendant, WEN YUAN LIN, was deported  
25 to China on November 1, 2004. See Exhibit "A."

26 3. Section 3573 of Title 18, United States Code, as amended, provides in pertinent  
27 part as follows:

28 //

Upon petition by the Government showing that reasonable efforts to collect a fine or assessment are not likely to be effective, the court may, in the interest of justice --

(1) remit all or part of the unpaid portion of the fine or special assessment, including interest and penalties . . .

4. The United States Attorney has determined that in light of Defendant's

deportation, there is no reasonable likelihood that expending further efforts to collect the special assessment fee will produce any revenue to the United States. To the contrary, any further efforts will needlessly expend resources that could be better directed to areas with greater potential for recovery.

5. The interests of justice mitigate in favor of remission of the unpaid special assessment fee.

WHEREFORE, the United States of America respectfully requests that this Court enter an order remitting the unpaid special assessment fee imposed upon Defendant.

DATED this 30th day of March, 2006.

LEONARDO M. RAPADAS  
United States Attorney  
Districts of Guam and NMI

stricts of Guam and P

By:

**MARIVIC P. DAVID**  
Assistant U.S. Attorney

A-NUM : 076281861  
NATLTY: CHINA

LAST-NAME : LIN  
FIRST-NAME: WEN YUAN

DATE-DOCKET-CLEARED: 04/27/2005

DEPART-CLEARED-STAT: 8

TRANSFER-TO-DCO:

DATE-DOCKET-TRANSFER:

DATE-DEPARTED: 11/01/2004

PORT-DEPARTED: SFR

DEPART-COUNTRY: CHINA

FINAL-CHARGE: I2A1

EXPENSE-CODE: 1

HIT PF4 TO RETURN TO CASE SELECT SCREEN OR ENTER FOR NEXT SCREEN

